

House Study Bill 634 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON NUNN)

A BILL FOR

1 An Act relating to the exclusive jurisdiction by the juvenile
2 court over acts of prostitution committed by persons under
3 the age of eighteen.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 725.1, subsection 1, Code 2018, is
2 amended to read as follows:

3 1. *a.* Except as provided in paragraph “*b*”, a person who
4 sells or offers for sale the person’s services as a partner in
5 a sex act commits an aggravated misdemeanor.

6 *b.* If the person who sells or offers for sale the person’s
7 services as a partner in a sex act is under the age of eighteen,
8 the county attorney may elect, in lieu of filing a petition
9 alleging that the person has committed a delinquent act, to
10 refer that person to the department of human services for the
11 possible filing of a petition alleging that the person is a
12 child in need of assistance. Notwithstanding section 232.8,
13 the juvenile court shall retain exclusive jurisdiction over the
14 person for the commission of an act under this subsection.

15 ~~*c.* If the person who sells or offers for sale the person’s~~
16 ~~services as a partner in a sex act is under the age of~~
17 ~~eighteen,~~ A person who was under the age of eighteen and who
18 was convicted of a violation of paragraph “*a*” on or before
19 June 30, 2018, upon the expiration of two years following the
20 person’s conviction ~~for a violation of paragraph “*a*” or of~~
21 a similar local ordinance, ~~the person~~ may petition the court
22 to expunge the conviction, and if the person has had no other
23 criminal convictions, other than local traffic violations
24 or simple misdemeanor violations of [chapter 321](#) during the
25 two-year period, the conviction shall be expunged as a matter
26 of law. The court shall enter an order that the record of the
27 conviction be expunged by the clerk of the district court.
28 Notwithstanding [section 692.2](#), after receipt of notice from
29 the clerk of the district court that a record of conviction
30 for a violation of paragraph “*a*” has been expunged, the record
31 of conviction shall be removed from the criminal history data
32 files maintained by the department of public safety.

33 *d.* A person under the age of eighteen shall not be charged
34 with or convicted of prostitution under a local ordinance.

35 Sec. 2. Section 725.3, subsection 2, Code 2018, is amended

1 to read as follows:

2 2. A person who persuades, arranges, coerces, or otherwise
3 causes a ~~minor~~ person under the age of eighteen to become a
4 prostitute or to return to the practice of prostitution after
5 having abandoned it, or keeps or maintains any premises for
6 the purpose of prostitution involving ~~minors~~ persons under the
7 age of eighteen or knowingly shares in the income from such
8 premises knowing the character and content of such income,
9 commits a class "C" felony.

10	EXPLANATION
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11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill relates to the exclusive jurisdiction by the
14 juvenile court over acts of prostitution committed by
15 individuals under the age of 18.

16 Currently, if a person under the age of 18 is found to have
17 engaged in prostitution, the law allows the juvenile court
18 to waive jurisdiction. The bill requires, notwithstanding
19 Code section 232.8, that the juvenile court retain exclusive
20 jurisdiction over a juvenile alleged to have committed such a
21 public offense.

22 The law currently provides a process by which a person
23 convicted of prostitution when the person was under the age of
24 18 can have the conviction expunged. The bill retains that
25 process for a person who is under the age of 18 and convicted
26 of prostitution on or before June 30, 2018. The bill provides
27 that a person under the age of 18 shall not be charged with, or
28 convicted of, prostitution under a local ordinance.

29 Code section 725.3 is amended to replace "minor" with
30 "person under the age of eighteen" for consistency.